

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH STURGILL,)
Plaintiff,)
v.) Civil Action No. 18-2392-CMR
ANDREW SAUL,)
Commissioner of Social Security,)
Defendant.)

ORDER

AND NOW, this 18th day of May, 2021, upon consideration of the afore-stated Stipulation, it is hereby,

ORDERED that Plaintiff, Elizabeth Sturgill, is awarded attorney fees under the EAJA in the amount of Five Thousand, Two Hundred dollars and 00/00 cents (\$5,200.00).¹ These attorney fees will be paid directly to Plaintiff, Elizabeth Sturgill, and sent to the business address of Plaintiff's counsel, Robert Savoy, Esquire. Full or partial remittance of the awarded attorney fees will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government. If such a debt(s) exists, the Government will reduce the awarded attorney fees in this Order to the extent necessary to satisfy such debt(s).

BY THE COURT:

/s/ **Cynthia M. Rufe**

J.

¹ A review of the docket reveals an Attorney's fee application was made by Plaintiff on May 12, 2020 [Doc. No. 27]. Before the government filed a response, a stipulation approving the above outlined fee distribution was forwarded for docketing. [See attached]. This stipulation was not docketed or transferred to Chambers for review and approval until May 18, 2021. *Id.*

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EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH STURGILL,)
)
Plaintiff,)
)
v.) Civil Action No. 18-2392-CMR
)
ANDREW SAUL,)
Commissioner of Social Security,)
)
Defendant.)

STIPULATION

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, and subject to the approval of the Court, that the previously filed EAJA petition is hereby resolved pursuant to the following terms.

Plaintiff shall be awarded Five Thousand, Two Hundred dollars and 00/00 cents (\$5,200.00) in attorney fees. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

The Court shall order that the awarded attorney fees be made payable to Plaintiff, Elizabeth Sturgill, and delivered to the business address of Plaintiff's counsel, Robert Savoy, Esquire.

After the Court approves the stipulated amount of attorney fees to Plaintiff, the Commissioner will determine whether Plaintiff has any outstanding federal debt to be offset from the attorney fees. If Plaintiff has no outstanding federal debt, the Commissioner will honor Plaintiff's assignment of attorney fees to counsel and make the check payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the

check payable to Plaintiff directly and deliver the check to the business address of Plaintiff's counsel. The amount of attorney fees payable to Plaintiff will be the balance of stipulated attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt. If Plaintiff's outstanding federal debt exceeds the amount of attorney fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

This stipulation constitutes a compromise settlement of Plaintiff's request for attorney fees under the EAJA and does not constitute an admission of liability on the part of the Commissioner under the EAJA. Payment of the aforementioned attorney fees shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to attorney fees under the EAJA in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Respectfully submitted,

Dated: 5/21/20

/s/ Robert Savoy
Robert Savoy, Esquire
Counsel for Plaintiff

Dated: 5/21/20

/s/ Roxanne Andrews
Roxanne Andrews
Special Assistant United States Attorney

From: [Chambers of Judge Cynthia M Rufe](#)
To: [Cynthia Rufe](#)
Cc: [Bryan Shapiro](#)
Subject: FW: EAJA Stipulation; Elizabeth Sturgill; 18-2392-CMR; EDPA
Date: Tuesday, May 18, 2021 11:09:30 AM
Attachments: [Sturgill EAJA Stip.rtf](#)
[EAJA Stip.pdf](#)
Importance: High

From: Nicole Durso <Nicole_Durso@paed.uscourts.gov>
Sent: Tuesday, May 18, 2021 10:58 AM
To: Chambers of Judge Cynthia M Rufe <Chambers_of_Judge_Cynthia_M_Rufe@paed.uscourts.gov>
Subject: FW: EAJA Stipulation; Elizabeth Sturgill; 18-2392-CMR; EDPA
Importance: High

From: Aguero, Mattie <Mattie.Aguero@ssa.gov>
Sent: Tuesday, May 18, 2021 10:35 AM
To: Nicole Durso <Nicole_Durso@paed.uscourts.gov>
Cc: Casey, Theresa <Theresa.Casey@ssa.gov>
Subject: FW: EAJA Stipulation; Elizabeth Sturgill; 18-2392-CMR; EDPA
Importance: High

CAUTION - EXTERNAL:

Good Morning Nicole,

I wanted to reach out because Plaintiff's counsel has contacted us regarding the status of this EAJA Stipulation, which was originally sent to the general clerk mailbox in May 2020, with a follow-up in March 2021, but the order hasn't yet been docketed. Would you be able to route this to the appropriate person so that the judge can sign the order? Please let me know if this is a problem. Thank you!

Mattie Aguero, Paralegal Specialist
Social Security Administration
Office of the General Counsel
Phone: (215) 597-3627
Mattie.Aguero@ssa.gov

From: Aguero, Mattie
Sent: Friday, March 19, 2021 10:03 AM
To: 'ecf_clerksoffice@paed.uscourts.gov' <ecf_clerksoffice@paed.uscourts.gov>

Cc: Casey, Theresa <Theresa.Casey@ssa.gov>
Subject: FW: EAJA Stipulation; Elizabeth Sturgill; 18-2392-CMR; EDPA
Importance: High

Good Morning,

Plaintiff's counsel contacted us regarding the status of the Sturgill EAJA Stipulation, which has not yet had an EAJA DCD entered on the docket. I just wanted to follow up and re-send the stip in the event there was a transmission error. Thank you!

Mattie Aguero, Paralegal Specialist
Social Security Administration
Office of General Counsel
Phone: (215) 597-3627
Mattie.Aguero@ssa.gov

From: Aguero, Mattie
Sent: Thursday, May 21, 2020 2:04 PM
To: 'ecf_clerksoffice@paed.uscourts.gov' <ecf_clerksoffice@paed.uscourts.gov>
Cc: Casey, Theresa <Theresa.Casey@ssa.gov>
Subject: EAJA Stipulation; Elizabeth Sturgill; 18-2392-CMR; EDPA
Importance: High

Good Afternoon,

Please find the attached attorney fee stipulation in EDPA Case No. 18-2392-CMR, Re: Elizabeth Sturgill, prepared for filing. I have attached both a .pdf and a Word copy in case there is an issue with the .pdf.

Thank you!

Mattie Aguero, Paralegal Specialist
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Mattie.Aguero@ssa.gov

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.